



a pan liner having a contour fit disposed within said pan to cover an interior surface of said pan and made from a material comprising a plastic, said contour fit pan liner comprising:

a contoured bottom edge forming a closed bottom end disposed over said pan proximate said bottom panel;

one or more flexible side walls extending upwardly from said bottom end, said side walls generally covering an interior surface of said pan;

an open top end, said top end extending upwardly beyond said pan top opening and said liner open top end being folded over said top edge of said one or more side walls of said pan; and

wherein said pan liner does not have dog ears formed proximate said closed bottom end.

REMARKS:

Reconsideration and allowance of the above-referenced patent application in view of the above amendment and the following comments is respectfully requested.

Status of the Claims:

Claims 1-27 were originally filed. Pursuant to restriction requirements, claims 6-7 and 13-27 have been withdrawn from consideration. Claim 1 was amended by adding that the pan liner is made from a material comprising a plastic. This amendment is supported by the specification on page 16, lines 4-9. Reconsideration of non-elected specie claims 6, 7 and 13-27 is requested. Accordingly, claims 1-27 are presented for further review.

Rejections:

35 U.S.C. § 102:

Claims 1 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ferlanti (U.S. Pat. No. 4,828,134). Ferlanti discloses a layered cooking vessel having a plurality of nested *metal* layers. The present invention is directed to a pan liner system comprising a pan, and a pan liner which is made from a material comprising a *plastic*, as



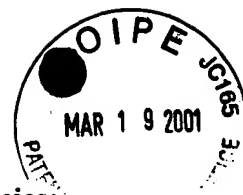
rejected in amended claim 1. Plastic pan liners are neither disclosed nor suggested by Ferlanti. In fact, Ferlanti distinguishes over plastic layers in its "Background of the Invention" section (col. 1, lines 14-25), by suggesting that plastic layers are unsuitable for cooking as they are "fragile" and "likely to ignite." Applicant believes withdrawal of this rejection is proper in view of the amendment to claim 1, and respectfully requests reconsideration.

35 U.S.C. § 103:

Claims 2-5 stand rejected under 35 U.S.C. § 103(a) allegedly as being unpatentable over Ferlanti in view of Kugler (U.S. Pat. No. 3,549,451). Applicant respectfully traverses.

Kugler discloses a method of producing a plastic satchel bottom bag by burning away a portion of the bag (col. 1, lines 11-16). Kugler does not disclose a pan liner system comprising a pan and a pan liner that is contoured to the pan, and does not have dog ears. There is no suggestion from Kugler of using a bag manufactured through its claimed process as a pan liner in conjunction with a pan for cooking food products. Furthermore, there is no motivation to modify the Ferlanti liners with the disclosure of Kugler because as stated supra, Ferlanti teaches the use of metal layers and teaches away from the use of plastic bags (Ferlandi: col. 1, lines 14-25). Moreover, the bag in Kugler as shown in Fig. 3 includes "dog ears," a characteristic of the pan liner specifically eliminated by the present invention. For the foregoing reasons, Applicant respectfully requests withdrawal and reconsideration of this rejection.

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferlanti in view of the M&Q Plastic Products Brochure. Applicant respectfully traverses. The Examiner alleges that "it would have been obvious to replace the metal liner of Ferlanti with the high temperature nylon resin in order to save material cost and manufacturing cost related to forming a contoured metal liner." Ferlanti teaches away from using plastic materials. Ferlanti discloses that plastic layers are "too fragile" and "likely to ignite." Thus, it would not have been obvious to replace the metal liners of Ferlanti with any paper or plastic materials. Applicant respectfully requests withdrawal of this rejection.

**Reconsideration of claims directed to the non-elected species:**

Dependent claims 6, 7 and 13-27, which are directed to species not elected for prosecution, were withdrawn from consideration in the Response dated November 22, 2000 pursuant to the Requirement for Restriction or Election mailed October 23, 2000 (paper no. 4). In the Requirement for Restriction or Election, the Examiner indicated that claim 1 was generic to all of the claimed species.

Therefore, upon allowance of generic claim 1, Applicant respectfully requests consideration of original claims 6, 7 and 13-27 pursuant to 37 C.F.R. § 1.141(a), since these claims are drawn to additional species and either are written in dependent form or otherwise contain all of the limitations of generic claim 1. It is respectfully submitted that allowance of these claims upon the allowance of generic claim 1 would not raise any new issues or require further examination by the Examiner.

CONCLUSION:

Applicant believes the foregoing represents a complete response to the Office Action, and that the claims in their present form are in condition for allowance. Early and favorable consideration is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. (Amended) A pan liner system having a contoured or customed shaped liner that can be disposed over an interior surface of a pan for forming an improved barrier between said pan and food disposed therein, said pan liner system comprising:

a pan, said pan comprising:

a bottom panel;

one or more side walls extending upwardly from said bottom panel, said one or more side walls each having a top edge, said top edge defining a pan top opening;

a pan liner having a contour fit disposed within said pan to cover an interior surface of said pan and made from a material comprising a plastic, said contour fit pan liner comprising:

a contoured bottom edge forming a closed bottom end disposed over said pan proximate said bottom panel;

one or more flexible side walls extending upwardly from said bottom end, said side walls generally covering an interior surface of said pan;

an open top end, said top end extending upwardly beyond said pan top opening and said liner open top end being folded over said top edge of said one or more side walls of said pan; and

wherein said pan liner does not have dog ears formed proximate said closed bottom end.